


M E M O R A N D U M

DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER DIVISION

SUBJECT: Guidance Memorandum No. 97 - 001
VPDES Toxic Management Program

TO: Regional Directors

FROM: Larry G. Lawson, P. E. 

DATE: January 3, 1997

COPIES: Regional Office Permit Managers, Water Permit Managers,
Compliance and Enforcement Managers, Martin Ferguson,
Amy Clarke

With the State Water Control Board (Board); (1) adoption of the VPDES Permit Regulation (9 VAC 25-31-10 et seq) in May 1996, and (2) repeal of the Toxics Management Regulation (9 VAC 25-50-10 et seq) in September 1996, the VPDES Permit Regulation becomes the basic document that the DEQ staff uses to administer the toxics management program. Thus, the purpose of this document is to provide the permit writers with guidance on administering the toxics management program in accordance with the VPDES Permit Regulation.

The VPDES Permit Regulation sets forth the procedures that shall be utilized in processing VPDES permits. Specifically, Section 220.D. of the VPDES Permit Regulation establishes the basis for including water-quality based limitations, including toxic pollutants, in the permits. Section 220.D.1.a. states as follows:

"Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Board/determines are or may be discharged at a level which will cause, or contribute to an excursion above any Virginia water quality standard, including Virginia narrative criteria for water quality".

In accordance with the VPDES Permit Regulation the following establishes the objective and procedures of the DEQ staff in processing VPDES permits:

Whenever VPDES permits are issued, reissued, or modified, the discharges authorized by the permit will be evaluated for their potential to cause excursions above the Board's Water Quality Standards, both narrative and numeric. This evaluation will include an examination of the information relative to manufacturing processes, indirect discharges, treatment processes, effluent or receiving water data, or other relevant information.

Discharges that could have the potential for toxicity shall be monitored in order to develop data on the extent of effluent toxicity and to aid in the establishment of water quality based effluent limitations.

Limitations will be imposed on effluents which, according to the information available, cause, have the reasonable potential to cause, or contribute to violations of the Board's Water Quality Standards.

We previously provided you with guidance to administer the toxics management program in accordance with the Toxics Management Regulation. However, since that regulation has been repealed and the VPDES Permit regulation is now the regulatory document to be utilized, we believe it is appropriate that we revisit the guidance for administration of the toxics management program. This is underway and we are evaluating various options, especially how to determine compliance with Section 220.D.1. "... that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative criterion within an applicable Virginia water quality standard ...". As we proceed with this evaluation we will involve the regional offices and request your review and comments.

To ensure that we have guidance in place to administer the toxics management program while our evaluation is ongoing we felt it appropriate to issue this document. Thus, in accordance with the VPDES Permit Regulation we recommend that the following guidance documents be utilized to administer the toxics management program:

OWRM Program Guidance Memorandum No. 93 - 029
Procedures for Implementation of the Toxics Management Program
Date - December 20, 1993

OWRM Guidance Memo. 93 - 029, Addendum #1
Date - February 15, 1994

OWRM Guidance Memo No. 93 - 029, Addendum #2
Update to Procedures for Implementing the Toxics Management Program
Date - March 10, 1994

OWRM Guidance Memo No. 93 - 029, Addendum #3
Update to Procedures for Implementing the Toxics Management
Program
Date - May 20, 1994

OWRM Guidance Memo No. 93 - 029, Addendum #4
Revised Procedures for Implementation of the Toxics
Management Program
Date - October 13, 1994

If you have any questions on the procedures presented herein
please feel free to contact Deborah Debiasi at (804) 698-4028 in
the Office of Permit Support, Water Division.

DISCLAIMER

**This document provides technical and procedural
guidance to the permit staff on the VPDES toxic
management program. This document is guidance only.
It does not establish or affect legal rights or
obligations. It does not establish a binding norm and
is not finally determinative of the issues addressed.
Agency decisions in any particular case will be made
applying the State Water Control Law and the
implementation regulations on the basis of the site
specific facts when permits are issued.**